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*Attorneys for Plaintiffs Capana Swiss Advisors AG and
AmeriMark Automotive AG, and Third-Party Defendants
Shaen Bernhardt, Martin Fasser Heeg, Stefan Kammerlander,
and AmeriMark Group AG*

**UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION**

CAPANA SWISS ADVISORS AG, a Swiss
corporation; AMERIMARK
AUTOMOTIVE AG, a Swiss corporation,

Plaintiffs,

v.

RYMARK, INC., a Utah corporation;
NICHOLAS THAYNE MARKOSIAN, an
individual; JOHN KIRKLAND, an individual;
and VICKY SMALL, an individual,

Defendants.

**PLAINTIFF'S OBJECTIONS TO
DEFENDANT RYMARK'S AMENDED
NOTICE OF RULE 30(b)(6)
DEPOSITION TO CAPANA SWISS
ADVISORS AG**

Case No. 2:23-cv-00467

Judge: Hon. Ted Stewart

Magistrate Judge: Hon. Cecilia M. Romero

Plaintiff Capana Swiss Advisors AG (“Plaintiff”), through its undersigned counsel, submits the following objections to Defendant Rymark Inc.’s (“Rymark” or “Defendant”) Fed. R. Civ. P. 30(b)(6) Deposition Topics as follows:

TOPICS AND OBJECTIONS

TOPIC 4:

Grounds for privileges asserted by You with respect to all documents withheld from production on grounds of privilege, including as communicated by You in Your July 2024 privilege log.

RESPONSE TO TOPIC 4:

Plaintiff objects to this Topic on the grounds that it is not a legitimate topic of questioning for a lay witness.

TOPIC 5:

The factual bases for the allegations made in Your Amended Complaint and Answer in the above-captioned litigation.

RESPONSE TO TOPIC 5:

Plaintiff objects to this Topic on the grounds that it is vague, overly broad, and unduly burdensome, specifically as it relates to the term “factual bases.”

TOPIC 13:

Activities of your agents between January 1, 2016 and the present.

RESPONSE TO TOPIC 13:

Plaintiff objects to this Topic on the grounds that it is unintelligible.

TOPIC 19:

Historical, proposed, planned or pending transactions involving Philomaxcap AG and/or H2E Americas LLC.

RESPONSE TO TOPIC 19:

Plaintiff objects to this Topic on the grounds that it seeks information relating to “Philomaxcap AG and/or H2E Americas LLC” that is outside the scope of the claims and defenses in this case.

TOPIC 20:

Activities and communications by You to support listing or business efforts as to CAG International AG including its listing and subsequent de-listing on the Wiener Borse and any trades YOU made in CAG International AG stock.

RESPONSE TO TOPIC 20:

Plaintiff objects to this Topic on the grounds that it seeks information relating to “CAG International AG” that is outside the scope of the claims and defenses in this case.

Dated: January 16, 2025

PARSONS BEHLE & LATIMER

/s/ Erik A. Christiansen

Erik A. Christiansen

Hannah Ector

VENABLE LLP

John Worden (*Admitted Pro Hac Vice*)

Sarah E. Diamond (*Admitted Pro Hac Vice*)

*Attorneys for Plaintiffs Capana Swiss Advisors
AG and AmeriMark Automotive AG, and
Third-Party Defendants Shaen Bernhardt,
Martin Fasser Heeg, Stefan Kammerlander,
and AmeriMark Group AG*

CERTIFICATE OF SERVICE

I hereby certify that on **January 16, 2025**, I caused a true and correct copy of the foregoing
**PLAINTIFF'S RESPONSES AND OBJECTIONS TO DEFENDANT RYMARK'S
AMENDED NOTICE OF RULE 30(b)(6) DEPOSITION TO CAPANA SWISS ADVISORS
AG** to be filed on CM/ECF and accordingly electronically served to the parties of record.

/s/ Zoe Gallagher

Zoe Gallagher